



PAC \$

PATENT  
Attorney Docket No. 02376.0006-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Gondouin

U.S. Patent No. RE38,616

Issued: October 12, 2004

For: DOWNHOLE EQUIPMENT,  
TOOLS AND ASSEMBLY  
PROCEDURES FOR THE  
DRILLING, TIE-IN AND  
COMPLETION OF VERTICAL  
CASED OIL WELLS  
CONNECTED TO LINER-  
EQUIPPED MULTIPLE  
DRAINHOLES

Application No.: 09/944,115

Filed: September 4, 2004

RECEIVED

JAN 06 2007

OFFICE OF PETITIONS

12/21/2006 HMARZI1 00000001 RE38616  
01 FC:1463

200.00 OP

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIEW OF DECISION REFUSING  
TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE  
FEE FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377**

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8<sup>th</sup> year maintenance fee due on October 31, 2003. The 8<sup>th</sup> year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Adjustment date: 01/16/2007 CKHLOK  
12/21/2006 HMARZI1 00000001 RE38616  
01 FC:1463 -200.00 OP  
Ref: 01/16/2007 CKHLOK 0000155495

CHECK Refund Total: \$200.00

October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill  
Rebecca M. McNeill  
Reg. No. 43,796

96-31380

Filed

06-21 19 96

19

General Order of Court

~~1996~~

3

NATURAL RESERVES GROUP INC

PLAINTIFFS

BAYKO, TOM

Attorneys

NATURE OF ACTION  
BREACH OF CONTRACT

VS.

BAKER HUGHES INCORPORATED

DEFENDANTS

Attorneys

SURETIES ON COST BOND

Jury Fee Paid By

SETTINGS

11/10/96 8-25-97

11/10/96 10-27-97

11/10/96 10-21-98

AUG 16 1996 Case transferred to Administrative Judge Civil

AUG 23 1996 Status conference

Administrative protection awarded to plaintiff produce nutritional information

error. Plaintiff's summary judgment on PTH's claim awarded two witnesses for Plaintiff

AUG 30 1996 Order re Ford, PTH's 9/4/96 Plaintiff's conference re Plaintiff's date. Dr. McConkey's email will be due

Three initial PTH dates 9/9/96

SEP 23 1996

10-11-96 re conference

OCT 17 1996 SC 2/10/97

1/17/97 Dr. McConkey's summary judgment

Administrative conference on cost bond

1/17/97 re PTH's claim

JAN 24 1997

FEB 21 1997 No. 96-31380

General Order of Court

333-1d

Judicial Dis

JUN 16 1997 Application for letters rogatory 8/25/97

JUL 22 1997 Motion to strike denied 8/25/97

AUG 07 1997 Mediation report (only extend time) 8/25/97

AUG 07 1997 Motion to substitute attorney 8/25/97

AUG 11 1997 Attorney Motion to withdraw 8/25/97

~~Order granting hearing 8/25/97~~

9/15/97 Motions compel: "Roto" Discovery Under advisement: Drilled down

SEP - 1997 Motion for Coarctation to be upheld by agreement 8/25/97

3/30/98 Supplemental Aired Protective Order 8/25/97

APR 07 1998 Order on Motion to Compel 8/25/97

APR 23 1998 Mediation (McGowan) 8/25/97

JUN 24 1998 Order granting letters rogatory 8/25/97

7/24/98 Motion, Wash. Dep to be taken on 8/25/97: UNL may proceed 1st. QW

SIGNED